

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

RONALD F. FIDGE,
Plaintiff,
v.
LAKE COUNTY SHERIFF
AL.,
Defendant

Case No.: 13-CV-5182 YGR

**ORDER REQUIRING SUPPLEMENTAL
BRIEFING AND VACATING JANUARY 21, 2014
HEARING**

LAKE COUNTY SHERIFF'S DEPARTMENT, ET AL.,
Defendants.

Now before the Court is a Motion to Dismiss filed by Defendants Lake County Sheriff's Department, aka Lake County Sheriff's Office, and Officer Steve Wright ("County Defendants"). (Dkt. No. 6.) As set forth below, the Court **ORDERS** the County Defendants and Plaintiff to submit supplemental briefing concerning whether the County of Lake can be liable for false imprisonment/false arrest and intentional infliction of emotional distress. Accordingly, the Court **VACATES** the hearing currently set for January 21, 2014 to be reset if the Court deems necessary.

The instant Motion (“Mot.”) was filed November 26, 2013. *Id.* Plaintiff’s Response and Memorandum of Points and Authorities opposing Defendants’ Motion was filed December 5, 2013. (Dkt. Nos. 12, 13.) County Defendants filed their Reply on December 17, 2013. (Dkt. No. 21.) Plaintiff filed a sur-reply styled as an Opposition to Defendants’ Reply on January 6, 2014. (Dkt. No. 27.)

County Defendants contend that under California Government Code section 815, public entities are immune from liability for common law torts and that therefore, Plaintiff's false imprisonment/false arrest and intentional infliction of emotional distress claims must be dismissed. However, they admit that where a statute so provides, a public entity can be liable.

1 Accordingly, the Court hereby **ORDERS** the parties to file supplemental briefing on the
2 following issues:

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4 1. Whether Plaintiff's false imprisonment/false arrest claims against Lake County Sheriff's
5 Department should be permitted to proceed in light of California Government Code
sections 820.4 and 815.2, *Sullivan v. Cnty. of Los Angeles*, 12 Cal. 3d 710 (Cal. 1974), and
Rodriguez v. Cnty. of Los Angeles, 217 Cal.App.4th 806 (App. 2d 2013).

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7 2. Whether Plaintiff's intentional infliction of emotional distress claims against Lake County
Sheriff's Department should be permitted to proceed in light of California Government
Code section 815.2 and *Tien Van Nguyen v. City of Union City*, 2013 WL 3014136 (N.D.
Cal. June 17, 2013).

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10 County Defendants and Plaintiff shall each file a supplemental brief of **no more than ten**
11 **pages** addressing the points above **no later than January 31, 2014**.

12 Plaintiff is reminded that, as a *pro se* litigant, he may seek assistance at the Court's Legal Help
13 Center. The Legal Help Center may assist persons who do not have lawyers if they make an
14 appointment. The Legal Help Center's phone number is (415) 782-8982 and its website is
15 <http://cand.uscourts.gov/helpcentersf>.

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18 Dated: January 16, 2014

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YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE